

ATTACHMENT B

- **Conditions of Approval for HAW-5 (D900132D)**

**APPENDIX A
EXHIBIT D900132D:B
CONDITIONS OF APPROVAL**

APPROVED USE

1. This approval authorizes trenching and horizontal boring for installation of a fiber optic cable from the County's western jurisdictional boundary easterly for approximately 10.5 miles to the AT&T facility located on Los Osos Valley Road; involving realignment of portions of the easement for the cable; a 50 space parking lot; boardwalk trail over the stabilized dunes to the beach, including continuous fencing and signing of the boardwalk; and habitat restoration and revegetation for all portions of the cable route with environmental monitoring. Project development and ongoing use shall be consistent with the Park General Plan and the Master Development Plan/Coastal Development Permit (D900110D). The project shall be consistent with revised plans listed herein as well as the negative declaration/expanded initial study which further defines environmental mitigation measures for the project. For the purposes of administering various aspects of the project the following phases will be followed:

Phase I - Horizontal bore from bore site to ocean including some enlarging of the existing denuded area at the bore site.

Phase II - Trenching from bore site east to Pecho Road with subsequent construction of a roadway, parking lot, boardwalk to the beach, restrooms, fencing, signing program and revegetation program.

Phase III - Trenching and cable placement under Pecho Road, along existing cable route and along a new route along Rim Trail. Also included is the continuation of trenching eastward to the boundary of Montana de Oro Park. This phase also includes a revegetation program.

Phase IV - This Phase includes the Los Osos Creek dry crossing and the area between Phase III and Phase IV; and a revegetation program.

Phase V - Includes the remaining portion of the project east of Los Osos Creek to the AT&T facility on Los Osos Valley Road; and a revegetation program.

Phases I through III shall be followed sequentially. Phases IV and V may proceed simultaneously with Phases I through III, subject to the additional requirements of the conditions listed below.

CONSTRUCTION SCHEDULE

2. Prior to commencing construction of any of the above phases, the applicant shall submit a construction schedule indicating the construction periods proposed and revegetation schedule.

MITIGATION MONITORING

3. Prior to commencing construction of each phase the applicant shall retain a mitigation monitor approved by the Environmental Coordinator. The mitigation monitor shall submit a monitoring Plan to the Environmental Coordinator prior to construction for review and approval.

STAKING OF DISTURBANCE AREAS

4. Prior to commencing construction activities or any clearing in preparation for construction staging, for each phase, the applicant shall stake with lath and flag all areas proposed for

disturbance to for construction control lines. Any disturbance outside of these areas shall be prohibited and construction crews shall be so informed.

CLEARANCE AND INSPECTION

5. Prior to commencing construction activities or any clearing in preparation for construction staging, the applicant shall obtain a letter of release from the Environmental Coordinator after field inspection of construction control staking by the Environmental Coordinator, State Parks and the mitigation monitor.

REVISED SITE PLAN

PHASE I AREA

6. Prior to commencing construction of Phase II the applicant shall submit a set of precise plans to function as a revised site plan (including project detail plans) for all areas included within this Phase (see condition number 1 above). The revised site plan shall be at a scale to show sufficient detail of all aspects of the proposed improvements and shall include but not be limited to the following:
 - (a) A practical Plan and Profile for the road leading from Pecho Road to the Parking Lot.
 - (b) A parking lot detail to show the location of 50 parking spaces, fencing, signing the location of the restrooms and an interior planter area to be used to establish native plants to make the parking lot more aesthetically pleasing and in keeping with surrounding vegetation. Native vegetation shall be selected in conjunction with State Parks and the County, and shall be established during the revegetation portion of the project, prior to commencing with Phase III. The parking lot shall include bicycle racks to accommodate at least 25 bicycles.
 - (c) A site detail (or details) for the boardwalk to the beach showing width, height, anchoring, and length.
 - (d) A comprehensive fencing plan to ensure that visitors are contained within the parking lot, road and boardwalk areas and that human intrusion into sensitive habitats is minimized to the greatest extent feasible.
 - (e) A comprehensive signing plan coordinated with State Parks, to indicate that hiking is not allowed outside of fenced areas and to ensure that the public understands the sensitive nature of the surrounding habitat.

PHASE II AREA

7. Prior to commencing construction activities or any clearing in preparation for construction staging, the applicant shall submit a revised site plan for the area within Phase II the precise alignment of the cable route (realignment).

ONGOING MANAGEMENT OF BEACH PARKING LOT AND BOARDWALK

8. The ongoing management of this area shall be in accordance with the Montana de Oro Park Plan with the additional mitigation measures established in these conditions of approval. If degradation due to human use occurs additional mitigation shall initiated, including but not limited to gating of the roadway to limit hours of use or possible closure for sufficient periods

of time to allow recovery. Annual progress reports shall evaluate the overall condition of this area as required by the conditions of approval for the Master Development Plan/Coastal Development Permit. Evaluation shall be by the Department of Parks and Recreation in conjunction with the county and any other appropriate agencies.

AGENCY CLEARANCE

9. Prior to construction in any Phase, the applicant shall obtain clearance from the following agencies:

- Army Corps of Engineers
- State Lands Commission
- Coastal Commission (for coastal development permit)
- Regional Water Quality Control Board
- State Department of Fish and Game
- State Department of Parks and Recreation
- CDF/County Fire

If approved by the Director of the Department of planning and Building and the Environmental Coordinator, the applicant may submit the above clearance letters/permits for areas immediately effected by their review, corresponding to the Phase in questions, subject to State and Federal Laws governing required agency reviews.

ARMY ROAD CLOSURE AND HABITAT REGENERATION

10. The Beach parking lot and related improvements shall be coordinated with the Army Road rehabilitation program and shall be subject to the State Park General Plan and Coastal Development Permit.

GRADING AND DRAINAGE REVIEW FOR PARKING LOT

11. Submit grading, drainage and erosion control plans prepared in accordance with requirements of Section 23.05.044 of the County Coastal Land Use Ordinance to the Department of Planning and Building for review and approval prior to any construction activities along the cable route. If so required, review of the plan shall be subject to inspection and checking agreement with the Engineering Department and/or the plan shall be prepared by a registered civil engineer. Grading and Drainage Permits may be phased at the discretion of the Senior Building Official and Enviromental Coordinator. The plans shall provide for the following:

- a. protection of coastal streams and wetlands.
- b. protection of terrestrial habitat.
- c. drainage devices within the beach parking lot shall include traps for petroleum residue.
- d. minimizing removal of vegetation.
- e. maximum feasible erosion control.
- f. maximum feasible control of sedimentation.
- g. all environmental mitigation measures listed in the mitigation measures listed below and as further defined in the negative declaration/expanded initial study.

ARCHAEOLOGICAL RESOURCE PROTECTION

12. If archaeological resources or human remains are accidentally discovered during construction, County shall be notified, work shall be halted within 50 meters (150 feet) of the find, until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures (if necessary) shall be formulated and will be outlined within 48 hours of discovery, and will be implemented. If any archaeological evidence is discovered during earthwork, only the area that shows signs of evidence is affected, and construction activities can proceed outside the affected area, subject to monitoring requirements.

EFFECTIVE APPROVAL PERIOD

13. This development plan/coastal development permit approval is valid for 36 months. Time extensions may be granted if requested by the applicant in accordance with the requirements of the Land Use Ordinance. Should portions of the project not be completed by that time a separate development plan shall be required to obtain approval of the remaining portions of the project.

ENVIRONMENTAL MITIGATION MEASURES

14. The applicant shall adhere to and incorporate the following measures into the proposed project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. Any other changes made to the project may require a new environmental determination. The following measures further refine and complement the previously listed conditions and are not to be considered duplicate requirements:

A. MITIGATION MONITORING

An environmental monitor approved by the County shall be hired at the applicant's expense to oversee construction activities and mitigation measure implementation. The monitor shall submit a work program to the Planning and Building Department for review and approval prior to issuance of grading and final land use permits. The work program shall include timing of proposed activities, methods used to monitor activities, criteria for evaluation, and timing of reports to the County Planning and Building Department. The reports shall detail the applicant's compliance with conditions of approval and the mitigation measures outlined in the project Negative Declaration. In the event that field conditions warrant changes in design, the environmental monitor shall have the authority to stop work on the project until the redesign has been reviewed and approved by the Planning and Building Department.

The county environmental monitor shall oversee the entire length of the project. However, the California Department of Parks and Recreation have indicated that they wish to utilize their environmental monitor to monitor all construction activities within the limits of Montana de Oro State Park. The county's environmental monitor will coordinate monitoring activities with the state park monitor. Within the state park, the state park monitor will be the principal monitor, and will be responsible for keeping the county environmental monitor apprised of compliance with the conditions set forth in this statement. The county monitor will be allowed to observe construction activities within the state park and will be responsible for informing the state park monitor if AT&T is not complying with county conditions. It will be up to the state park monitor to ensure compliance with the county conditions as well as state park conditions within the state park boundary.

B. MITIGATION MEASURES INCLUDED IN THE PROJECT BY AT&T

15. General Construction Measures. The applicant has committed to general construction measures as listed in Chapter III of the Onshore portion of the Expanded Initial Study. These construction measures shall be incorporated into the project to provide mitigation to reduce a variety of impacts. THESE ARE AS FOLLOWS:

The applicant has committed to mitigation measures as listed below. These measures would be made a part of each construction contract let by AT&T, and the contracts would require an engineer/inspector for AT&T on each construction spread to enforce the terms of the contract. The term "Authorized Officer" as used in these measures is the person in the affected agency responsible for making the determination referenced.

General Measures

- 1.** *Standard procedures for the proposed fiber optic cable project would include implementation of erosion control and revegetation measures to ensure that lands disturbed by construction activities would be restored to a stable, productive, and aesthetically acceptable condition .*
- 2.** *Detailed site-specific restoration and reclamation plans would be developed under the direction of the appropriate agency official. Because the proposed right of way is composed of many types of terrain, soils, water, bedrock, vegetation, land uses, and climatic conditions, AT&T would include sets of techniques and measure tailored to each condition encountered. Site-specific erosion control, re-vegetation, and restoration measures would be implemented under the direction of the appropriate agency official.*
- 3.** *During construction of the project, an AT&T representative would provide: l) liaison with the appropriate agency officials; b) expertise to direct applicable restoration procedure when special conditions are encountered, without causing construction delays; and c) favorable public relations .*
- 4.** *General erosion control and restoration measures are applicable to the following areas:*
 - *seasonal restrictions for construction phases*
 - *right-of-way and site clearing*
 - *plowing, rock sawing, or trenching, and preservation of topsoil*
 - *backfilling and grading*
 - *land preparation and cultivation*
 - *revegetation*
 - *maintenance and monitoring*
- 5.** *Actual construction activities would immediately follow clearing operations. Rehabilitation and revegetation would immediately follow construction operations, especially in areas of soil that are highly susceptible to wind or water erosion and/or in other special areas.*

6. AT&T would conduct all activities associated with the project in a manner that would avoid or minimize degradation of air, land, and water quality. In the construction, operation, maintenance, and abandonment of the project, AT&T would perform its activities in accordance with applicable air and water quality standards, related facility siting standards, and related plans of implementation, including but not limited to, the Clean Air Act, as amended (42 USC 1321).
7. All design, material, and construction, operation, maintenance and termination practices would be in accordance with safe and proven engineering practices.

Specific Resource/Activity Measures

Access and Transportation

1. Design and construction of all temporary, reconstructed, and newly constructed roads would ensure proper drainage, minimize soil erosion, and preserve topsoil. The design would include clearing work, rehabilitation, and use and maintenance agreements associated with transportation needs.
2. Construction-related traffic would be restricted to routes approved by the appropriate agency official. New access roads or cross-country vehicle travel would not be permitted unless prior written approval was given by the appropriate agency official. Temporary roads used by AT&T would be rehabilitated when construction activities were complete, as approved by the appropriate agency official.
3. Where possible, the right of way itself would be used as an access road during the construction period. The Department of Parks and Recreation would require that the access roads paralleling the fiber optic cable be closed and vegetative cover re-established after construction is completed.
4. As a general rule, no overland access to the right of way would be permitted. When necessary, overland access would be specified in lieu of road construction or reconstruction.
5. All temporary roads would be closed and areas restored without undue delay or maintained as specified in the land use authorizations.
6. Boring to allow conduit installation would be specified for certain developed roads.
7. When providing access to fiber optic cable right of way, the stream and any washes would be crossed at existing roads or bridges. Any construction activity in a perennial stream would be prohibited unless specifically allowed by the appropriate agency official or the California Department of Fish and Game Enforcement Representative. All stream channels and washes would be returned to their natural state. California Department of Fish and Game stream alteration agreement Section 1601 and 1603 permits would control and stipulate construction procedures at stream crossings in California. All streams would be crossed between June 1 and October 15, except where prior written permission has been granted by the state and federal representatives.
8. All damaged streets would be repaired to the permit requirements of the governing agency (e.g., city or county road or street cut permits), or otherwise to an equal or better condition.

Traffic Control

All traffic would be controlled in a safe and efficient manner.

Seasonal Restrictions

- 1. During adverse weather conditions, as determined by the Authorized Officer, stop and start orders would be issued to prevent rutting or excessive tracking of soil and deterioration of vegetation in the right of way area.*

Clearing and Site Preparation

- 1. Sidehill cuts would be kept to a minimum to ensure resource protection and a safe and stable plan for efficient equipment use. The appropriate agency official would provide assistance and would approve sidehill cuts prior to construction.*
- 2. Existing ground cover such as grasses, leaves, brush, and tree trimmings would be cleared and piled only to the extent necessary. Slash and limbs would be disposed of as directed by the appropriate agency official.*
- 3. Trees and shrubs on the right of way that are not cleared would be protected from damage during construction. The bulldozers would maintain their blade in a raised position except at areas designated for clearing, such as bore pits, manholes, splice boxes, and washes.*

Cable Installation

- 1. Grading for cable installation would be done only when necessary.*
- 2. In trenching operations, unearthed materials would be removed and stored in a manner that facilitates backfilling procedures, uses a minimum amount of right of way area, and protects the excavated material from vehicular and equipment traffic.*
- 3. Plowing, rock sawing, and trench backfilling operations would be conducted in such a manner as to minimize further disturbance of vegetation.*

Backfilling and Grading

- 1. Trench backfill would be replaced and compacted as specified and approved by the appropriate agency official and/or responsible state or county permitting officer.*

Rehabilitation and Revegetation

- 1. In strongly sloping and steep terrain (greater than 28 percent slope), erosion control structures such as water bars, diversion channels, and terraces would be constructed to divert water away from the fiber optic cable trench and reduce soil erosion along the right of way and other adjoining areas disturbed during construction, as specified and approved.*

2. *AT&T would dispose of materials unsuitable for backfilling or excess backfill material at approved locations.*
3. *Temporary work space areas used at stream and highway crossings and other special sites would be restored to approximate preconstruction conditions.*
4. *Suitable mulches and other soil stabilizing practices would be used on all regraded and topsoiled areas to protect unvegetated soil from wind and water erosion and to improve water absorption.*
5. *Rock mulches would be used in steep-sloping rock outcrop areas and low precipitation areas to reduce erosion and promote vegetation growth.*
6. *AT&T would revegetate disturbed areas where necessary, using an agreed upon method suitable for the locations.*
7. *Seed would be planted by drilling, broadcasting, or hydroseeding.*
8. *Seeding would be done when seasonal or weather conditions are most favorable.*
9. *Only species adapted to local soil and climatic conditions would be used. Generally, these would be native species. However, introduced species may be considered for specific conditions.*
10. *Seed mixtures would be planted in the amount specified in pounds of pure live seed/acre, where necessary. There would be no primary or secondary noxious weeds in the seed mixture. Seed would be tested, and the viability testing of seed would be done in accordance with state laws and within 9 months prior to purchase. Commercial seed would be either certified or registered seed.*

For drilling, seed would be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling was possible. The seed mixture would be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop to the bottom of the drill and be planted first). AT&T would take appropriate measures to ensure this did not occur.

Where drilling is not possible, seed would be broadcast and the area raked or chained to cover the seed. When broadcasting the seed, the pounds per acre would be doubled. The seeding would be repeated until a satisfactory stand was established.

- *Drilling would be used where topography and soil conditions allow operation of equipment to meet the seeding requirements of the species being planted.*
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- *Broadcast seeding would be used for inaccessible or small areas.*
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- *Hydroseeding would be done in critical areas.*

11. *Waterbars may be constructed to: 1) simulate the imaginary contour lines of the slope (ideally with a grade of 0 or 2 percent); 2) drain away from the disturbed area; and 3) begin and end in vegetation or rock whenever possible.*
12. *AT&T would trim all woody vegetation in preference to cutting, and would cut all woody vegetation in preference to bulldozing.*